

THE CITY OF CLAYTON

Board of Aldermen
Virtual Zoom Meeting
May 12, 2020
7:00 p.m.

Minutes

NOTE: In accord with the provisions of Section 610.015, RSMo., and multiple declarations of emergency at every level of government, and the prohibition on gatherings of 10 or more persons due to the Coronavirus pandemic, normal requirements for voting in the Board meeting were suspended. Accordingly, votes were taken as if all Board members were physically present and in attendance at the meeting.

Mayor Harris called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Mark Winings, Joanne Boulton, Rich Lintz, Ira Berkowitz, Bridget McAndrew, and Susan Buse.

Mayor Harris
City Manager Gipson
City Attorney O'Keefe

Motion made by Alderman Lintz to approve the April 28, 2020 minutes. Alderman Boulton seconded.

Motion to approve the minutes passed unanimously on a voice vote.

PUBLIC REQUESTS AND PETITIONS

Mayor Harris announced that May 10-16, 2020 is National Police Week. She provided an historical overview of the Clayton Police Department.

Mayor Harris reported that the Mayor's for Meals event was very successful, collecting over 30,000 pounds of food that will provide over 25,000 meals.

AN ORDINANCE TO CONSIDER APPROVING A MEMORANDUM OF AGREEMENT BETWEEN THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION AND THE CITY OF CLAYTON

City Manager Gipson reported that The Missouri Highways and Transportation Commission (the Commission) has set aside funding for the purchase of breath alcohol instruments in the State of Missouri. The breath alcohol instruments will be purchased through the Alcohol Impaired Driving Countermeasure grant program with the Missouri Safety Center with grant funding provided by the Missouri Department of Transportation, Highway Safety and Traffic Division. The breath alcohol instruments will be one of the instruments listed in the Missouri Department of Health and Senior Services (DHSS) Breath Alcohol Program requirements found in Section 19 CSR 25-30.050.

In order for the Clayton Police Department to submit a grant application for the breath alcohol instruments the city is required to comply with DHSS, Section 2 CFR 200.313, requiring that the inventory and disposition of such breath alcohol instruments must be tracked, therefore entering into the agreement.

Alderman Winings introduced Bill No. 6798, and ordinance to approve a Memorandum of Agreement with MODoT for the purchase of a breath alcohol instrument through a grant to be read for the first time by title only. Alderman Boulton seconded.

City Attorney O'Keefe reads Bill No. 6798, first reading, an Ordinance Authorizing the City Manager to Execute a Memorandum of Agreement Between the Missouri Highways and Transportation Commission (The Commission) and the City of Clayton by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Winings that the Board give unanimous consent to consideration for adoption of Bill No. 6798 on the day of its introduction. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

Alderman Winings introduced Bill No. 6798, and ordinance to approve a Memorandum of Agreement with MODoT for the purchase of a breath alcohol instrument through a grant to be read for the second time by title only. Alderman Boulton seconded.

City Attorney O'Keefe reads Bill No. 6798, second reading, an Ordinance Authorizing the City Manager to Execute a Memorandum of Agreement Between the Missouri Highways and Transportation Commission (The Commission) and the City of Clayton by title only.

The motion passed on a roll call vote: Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Buse – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6658 of the City of Clayton.

A RESOLUTION TO CONSIDER APPROVING CARES ACT STIMULUS FUNDS FOR MUNICIPAL PUBLIC SAFETY EXPENSES

City Manager Gipson reported that the United States Congress enacted the Coronavirus Aid, Relief and Economic Security Act (the "CARES Act") providing a \$2 trillion dollars economic relief package to provide assistance for American workers, families, and small businesses; to provide assistance to state and local governments; and to preserve jobs for American industry.

The U.S. Department of the Treasury distributed funds from the CARES Act proportionally based on 2019 census data directly to local governments, including directly to cities and counties with a population greater than 500,000 and directly to state governments. No municipality in St. Louis County (the "County") has received any CARES Act funds from the Federal government, the State of Missouri, or the County.

St. Louis County received \$175 million directly from the United States Treasury designated to cover necessary expenses that are incurred due to the public health emergency caused by the COVID-19 pandemic. The Governor has recommended that counties that received funds

directly from the State of Missouri in turn distribute CARES Act funds to local governments located within their jurisdictions.

The City of Clayton has incurred public safety payroll costs for fire, EMS and law enforcement during the Eligibility Period to date in the amount of \$1,206,107 for payroll and related fringe benefit costs and is estimated to incur a total of \$8,240,944 for these costs during the full Eligibility Period and all such costs are presumed by the US Department of the Treasury to be COVID related expenses during the Eligibility Period.

The \$175 million in CARES funding received by the County should justly be shared pro rata with municipalities based on their population inasmuch as all levels of government including both County and municipal governments who are incurring COVID related public safety expenses.

If Any Portion Of The \$175 Million In Funding Received By St. Louis County under the CARES ACT is expended by the St. Louis County Executive as reimbursement for law enforcement expenses, including but not limited to payroll and benefits for the St. Louis County Police Department during the eligibility period, a proportional amount should be paid to the municipalities who provide the majority of law enforcement services to the citizens of St. Louis County. Further, such reimbursement for public safety expenses should necessarily include all municipal law enforcement, EMS and fire services whether those services are provided directly by the municipality or by contract with another public safety agency.

Mayor Harris expressed that many mayors are concerned about their budgets and monies devoted to public safety.

City Attorney O'Keefe commented that we (the municipalities) are entitled to receive the funds.

Alderman Buse expressed her thanks for the city coordinating and playing a part with other cities to receive the funds.

Motion made by Alderman Winings to approve Resolution No. 2020-08, requesting CARES ACT Stimulus Funds for municipal public safety expenses. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

MOTION TO CONSIDER APPROVING APPOINTMENTS TO THE STEERING COMMITTEE FOR THE DOWNTOWN AND CBD CORE OVERLAY DISTRICTS STUDY

City Manager Gipson reported that H3 Studio, the consultants for the Downtown and CBD Core Overlay Districts Study have recommended the establishment of a steering committee for the next phase of the project, which includes the formulation of regulations and guidelines. The steering committee for this study should be comprised of representatives from the Board of Aldermen and the Plan Commission, as well as owners of businesses and properties within the study boundary and adjacent residences.

The Mayor is seeking Board of Aldermen approval of the following appointees:

- Mayor Michelle Harris
- Alderman Richard Lintz (Plan Commission Liaison)
- Alderman Bridget McAndrew (Ward 3)
- Steve Lichtenfeld (Plan Commission Chair)

- Chris Fox (Gershman Commercial Real Estate)
- Kathy Beilein (Old Town resident)
- Jim Fiala (The Crossing)

Alderman Lintz raised the question of his participation as liaison to the Plan Commission and his two-year term ending this year.

Mayor Harris noted that in light of the current COVID-19 situation, as liaison he would serve on the steering committee until a new liaison for the Plan Commission is assigned.

Motion made by Alderman Winings to approve the appointments of the members as listed with modification that Alderman Richard Lintz will be replaced by a Board of Aldermen liaison for the Plan Commission at a future time. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

APPEAL OF THE ARCHITECTURAL REVIEW BOARD'S DECISION TO DENY
ALLOWING TWO EXISTING BRADFORD PEAR TREES TO REMAIN AS PART OF THE
APPROVAL OF A REVISED LANDSCAPE PLAN FOR NEW CONSTRUCTION AT 8155
STRATFORD DRIVE

Susan Istenes, Director, Planning Department, reported that this is a request for an appeal of the April 6, 2020, Architectural Review Board's (ARB) decision to deny the applicants' request to retain two existing Bradford Pear trees as part of the Board's approval of a revised landscape plan for a newly constructed single-family residence at 8155 Stratford Drive. On April 21, 2020, Leigh Szilagyi, who resides on the subject property and was one of the owner/applicants before the ARB, filed an appeal with the City Clerk of Clayton. (copy of report provided in the Board meeting agenda packet)

In response to Mayor Harris' question, City Attorney O'Keefe explained the appeal process as it is heard before the Board.

Leigh Szilagyi, appellant, addressed the Board noting that a copy of the appeal application, letter, and photos was previously provided to the Board. She expressed that she wanted to keep the trees because they are beautiful, healthy, blocks noise, and are on private property. She added that she hired a certified licensed arborist whose report stated that the trees are in good shape. She pointed out that there are Bradford Pear trees located all over the area and therefore they should not be forced to remove their own.

In response to Mayor Harris' question, she agreed that they will plant native trees to meet the 33% requirement.

Alderman Boulton noted that due to the concerns of new constructions that included plantings of invasive species and its harm to the environment "triggered" the city to change this in 2016.

Ms. Szilagyi stated that they do not want to plant more Bradford Pear trees, but to keep her two trees, on private property, that are already established.

City Attorney O'Keefe clarified, as it relates to the context of the appeal, that this is not an order but a process of enforcing the rebuilding of a lot; this is a process of enforcement that included a

landscape plan that was reviewed and approved in compliance with appropriate standards and would have removed those trees from the lot voluntarily by the plan submitted by the former property owner in accord with the plans that were approved for the construction and the new construction in the redevelopment of the lot. He stressed that this isn't a question of the city going around saying your trees look bad, this is not a removal of dangerous trees, regulatory police powers activity, this is a question of enforcing a landscaping plan that was designed over time as people redeveloped, or replanted, or re-landscaped property to remove non-native species and to replace them with native species on a predominant level. This isn't a question of the City deciding to single out your trees or to pick on you for having the trees, this is a consideration of the status of trees as a consequence of redevelopment of the lot and review and approval of the landscape plan.

In response to Aldermen Berkowitz' question regarding the original report that the trees were not in good shape, Ms. Szilagyi stated that she believes because at that time the previous owners wanted to get rid of the trees.

Mayor Harris thanked everyone for their comments and discussion and noted that the Board will take all into consideration.

Other

Alderman Boulton reported:

- NUERF and UERF Pension Board met yesterday; NUERF report made on losses for April; there was a request to look at UERF benefits. City Manager Gipson stated that due to the current COVID-19 situation they will not look at any enhancements at this time.

Alderman Buse reported:

- Community Equity Commission
 - Facilitators did a good job; they broke into small groups; meeting (virtually) on May 14.

Alderman Berkowitz recommended a couple of books to read, "The Broken Heart of America: St. Louis and the Violent History of the United States" and "Soul of Souls" by Walter Johnson.

Alderman Berkowitz expressed his appreciation for the neighborhood parades that have been occurring during this time.

Alderman Buse thanked Mayor Harris for organizing the Mayors for Food event.

City Manager Gipson reported:

- Discussions with staff on reopening plans for city facilities.
- Parking meters will open on May 18.
- Meeting with staff on opportunities for area businesses.

Motion made by Alderman Buse that the Board adjourn to a closed meeting, with a closed vote and record, as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, and to discuss matters related to negotiation of a contract pursuant to Section 610.021(12), RSMo. and/or proprietary information pursuant to Sec. 610.021(15), and/or information related to public

safety and security measures pursuant to Section 610.021(18) and (19) RSMO. Alderman McAndrew seconded the motion.

The motion passed on a roll call vote: Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Buse – Aye; and Mayor Harris – Aye.

There being no further regular business the meeting adjourned at 8:06 p.m.

Mayor

ATTEST:

City Clerk